

Water Right Number 3074-3

1. Considered 11-17, 19 70
2. Name of Applicant VIRGIL BIEL
3. Post Office Address JAVA
4. Amount of water claimed 1.80
5. Source of water supply 105' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 128
7. Water to be diverted and used in CAMPBELL County
about 75 BE miles of AROUND CITY
8. Proof of Publication
Received 11-3-76
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

APPROVED

No. 3074-3Map No. 2398-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant VIRGIL L. BIEL
 Postoffice address JAVA, State S. D. 57452
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work VIRGIL L. BIEL IRRIGATION UNIT #1
4. Amount of water claimed (cubic feet per second) 1.8:2' Cu. Ft./Sec. MAXIMUM ALLOWABLE
5. Source of water supply IRRIGATION WELL
6. Location of point of diversion SE 1/4 OF SE 1/4 OF SEC. 21, T. 125 N., R. 75 W.

County CAMPBELL

7. Annual period or periods during which water is to be used MAY 1 - NOV. 1
8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use, Total number of acres to be irrigated 128

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 of SE 1/4 S. 21, T. 125, R. 75	34		
SW 1/4 of SE 1/4 " " "	34		
NE 1/4 of SE 1/4 " " "	37		
SE 1/4 of SE 1/4 " " "	23		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication JAVA HERALD
12. Principal Features of the Proposed Water Supply System. JAVA, S.D. 57452

A. Works proposed to divert water from its natural source.

IRRIGATION WELL

B. Works proposed to transport water to place of use.

IRRIGATION PIPE

C. Works proposed to apply water to beneficial use.

BIG GUN AND/OR TOWLINE AND/OR SIDE ROLL IRRIGATION SYSTEM.Estimated Total Cost \$ 20,000.00Attachments: Attach Form 2A if diversion from a well or deposit, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of CAMPBELL)I, VIRGIL BIEL, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend and am able to complete the necessary construction.Signed Virgil L. BielSubscribed and sworn to before me this 5 day of Oct, 1976Lenora A. Hoffer, Co. Auditor
Notary Public (or other qualified officer)Campbell Co., S. Dak.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3074-3VIRGIL BIEL
(Applicant)JAVA
(Post Office Address)SOUTH DAKOTA 57452 With the following modifications.
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application OCTOBER 13, 19 76

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved NOVEMBER 17, 19 76, Recorded in Book 16 Page 194WATER RIGHT PERMIT NO. 3074-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3074-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 13, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 17, 19 79
3. The whole of said work is to be completed on or before NOVEMBER 17, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 19 85
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.80 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before NOVEMBER 17, 19 85; said water to be used during the following described annual period: MAY 1 - NOVEMBER 1

Witness my hand this 21ST day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

12 Principal Features of the Proposed Water Supply System (continued)

D Well Information or Estimates

- (1) Drill Hole, Diameter 22", Depth 100'
(2) Casing Type PLASTIC Diameter 16" Thickness 1/4"
(wood, concrete, steel, etc)
(3) Perforated Screen
Type STAINLESS STEEL Diameter 16" Length 10'-20'
(4) Gravel Pack Thickness 3" Length of gravel pack 100'

E Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials (Please attach a copy to test well log if available.)

Character of Water bearing materials Sand & Gravel
from 2 to 105'
SEE ATTACHED
TEST WELL LOG.
Depth to top of water bearing material 3 feet
Depth to bottom of water bearing material 105 feet
Thickness of water bearing material 103 feet
Depth to water (ground surface to water level) 12 feet

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 80 rds. On property owned by others 400 rds

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Virgil L. Biel
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)



NAME VIRGIL BIEL
ADDRESS JAVA, S.D. 57452
COUNTY CAMPBELL

LEGAL DESCRIPTION

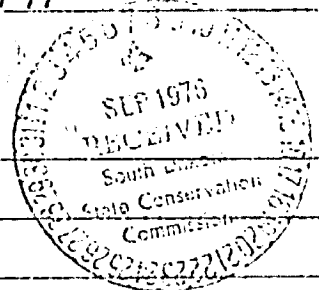
1. WELL LOCATION SE $\frac{1}{4}$ S. 21, T. 125 N, R. 75 W
2. LOCATION OF AREA TO BE IRRIGATED SE $\frac{1}{4}$ S. 21, T. 125, R. 75

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE ☒ CENTER PIVOT _____ GUN ☒
4. CROPS TO BE IRRIGATED CORN - ALFALFA

WATER QUALITY

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBOATE (meq/l.) _____



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soil's information has been acquired from CAMPBELL Co. Conservation District, County E; tension office or Soil Conservation Service. and: WAYNE NOBLE, D.C. that the legal description for the location of the well and land to be irrigated is true and correct.

Virgil Biel
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
21st DAY OF Aug 1976.

Steve F. Biel
(TITLE OR SEAL)

Alvin H. Hiltner
APPROVED/DISAPPROVED

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: **Virgil Hiel**
Java, SD 57452
 Address: _____

Date Rec'd: **August 31, 1976**
76-1227
 Sample No. **well**
 Identification **Sec. 21, T 129N, R 75W**

WATER ANALYSIS			
Calcium (Ca)	147 ppm*	7.35	me/l**
Magnesium (Mg)	35 ppm	2.87	me/l
Sodium (Na)	117 ppm	2.89	me/l
Potassium (K)	21 ppm	0.55	me/l
Sulfate (SO ₄)	340 ppm	7.07	me/l
Nitrate (as N)	18 ppm	0.50	me/l
Chloride (Cl)	630 ppm	10.32	me/l
Bicarbonate (HCO ₃)	ppm		me/l
Carbonate (CO ₃)	ppm		me/l
Iron (Fe)	ppm		me/l
Fluoride (F)	ppm		me/l
Hardness (EDTA as CaCO ₃)	516 ppm		g.p.g.***
Alkalinity (Methyl Orange)	0 ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	1380 ppm (as CaCO ₃)		
Electrical Conductivity	2.25 micromhos per cm at 25° C.		
Sodium Adsorption Ratio	32.09		
Sodium	0.10% of cations		
Residual sodium carbonate	0.82 me/l		
pH			
Others:			

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 15.36 me/l
 Total anions 17.89 me/l



By: **Shirley Mitten**

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. **76-1227**

Amount Enclosed \$ _____

Signed _____

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 3074-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Dianne Brenden hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Aberdeen American News

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City Aberdeen of _____

County of Brown and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 26, 1976

November 2, 1976

Dianne Brenden
(Signature)

Principal Clerk
(Title)

November 2, 1976
(Date Signed)

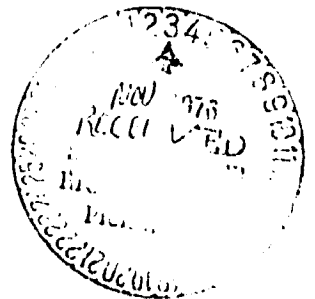
(No. 829 - Oct. 23 Nov. 2 - 21)

NOTICE OF INTENT TO
APPROPRIATE WATER

October 20, 1976
Notices hereby given that Virgil Biet
whose post office address is Java, South
Dakota, has made an application in
accordance with the provisions of the
water laws of South Dakota for a permit
to appropriate for beneficial use 1.8
cubic feet of water per second of time
from ground water through the Biet 1,
the point of diversion of which is to be
located in the SE1/4, SE1/4 of Section 21,
Twp. 123N, Range 73W. Said water to be
used for the purpose of providing
irrigation on the following described
land: SE1/4, Section 21, T123N, R73W.

This application No. 30743 will be
considered by the Water Rights Com-
mission at the Marvin Rughliff Hotel in
Huron, South Dakota upon the 17th day
of November, 1976 at 10:00 A.M. All
interested persons may appear and be
heard.

Water Rights Commission
By: Burton F. Jones, Water Rights
Specialist



No. 3074-3

Publish first publication, on or before

November 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 20, 1976

Notice is hereby given that Virgil Biel

whose post office address is Java, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.6 cubic feet of water per second of time from the ground water through the Biel / 1, the point of diversion of which is to be located in the SE1/4

of Section 21, Twp. 125N, Range 75W. Said water to be used for the purpose of providing irrigation on the following described land:

SE1/4, Section 21, T125N, R75W

This application No. 3074-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota

upon the 17th day of November, 1976 at 10:00 AM. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Virgil Biel, Java, South Dakota 57452



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2074-3

January 6, 1986

Tyldi Diel
Rt 1, Box 23
Jawa SD 57452

Dear Mr. Diel:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAK
Administrative Aide

enclosure

DWR-820A-8/83

NO. 3074-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



This is to notify you that the title to the lands described as follows:

128 acres SE 1/4 Section 21, T125N, R75W

formerly owned by Virgil Biel

has been transferred to Todd Biel, ^{H&R} Rt 1, Box 23, Java SD 57452

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3074-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board a evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Walworth) ss.

I, Todd Biel being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Todd Biel
(Signed)

Subscribed and sworn to before me this 8th Day of Jan, 1986.

Steven E. Biel
(Notary Public)

My Comm. Expires: May 28, 1991

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 10284 -

Pierre, January 9, 1936

RECEIVED OF Todd Biel, HCE, Box 23, Java, SD 57452

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 3074-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH/ES

No. 3074-3

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

January 9, 1980

Todd Biel
HCR, Box 23
Java SD 57452

Dear Mr. Biel:

Enclosed is receipt No. 410284 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3074-3.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

TODD RIEL
HCR BOX 23
JAVA, SD 57452

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3074-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-2C. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 3074-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 29, 1987

3074-3

Todd Biel
HCR Box 23
Java, SD 57452

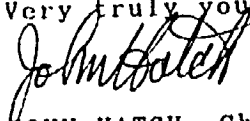
Dear Mr. Biel:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 3074-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



3074-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

DEC 18 1995

5056-3

Todd Biel
31362 122nd Street
Java, SD 57452

Dear Mr. Biel:

Enclosed is Water License No. 5056-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414657 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5056-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352gm
enclosures

NOTE: The applicable portions of Water Permit No. 3074-3 have been incorporated into this Water License No. 5056-3.

125-75

10.7

35.4

Y
ALL LANDS TO BE
IRRIGATED LOCATED
IN SE $\frac{1}{4}$, Sec. 21, T.125N, R75W

21

CROPLAND
IRRIGATED

71.0

CROPLAND
IRRIGATED

19.5

10.3

PASTURE
LAND
IRRIGATED

X APPROX. WELL
LOCATION

125-75

OWNER: Virgil Biel
Wayne & Noble, D.C.

MAP NO 2398-3 APPL NO 3074-3